REMARKS

Applicant acknowledges the withdrawal of claims 6-9 from further consideration as drawn to a non-elected invention. However, claim 10 was not withdrawn and the indication thereof that it is part of the withdrawn claims is erroneous. Nevertheless, claim 10 has been cancelled and the subject matter thereof incorporated into amended claim 1. The same is true for claim 2 which has been cancelled.

Applicant has concurrently filed an Information Disclosure Statement with the appropriate fee to be deducted from Applicants Deposit Account No. 01-1944, to make of record the official communication from the corresponding foreign patent application in Germany and the references cited therein. None of the references are believed relevant to the invention of the subject application as claimed.

The rejection of claims 1-4 and 10 under 35 USC 112, second paragraph, as being indefinite is respectfully traversed.

Based upon the rejection of claims 1-4 and 10 as being indefinite, under 35 USC 112, applicant has amended claims 1 and 3 and has cancelled claims 2 and 10. Claim 1 was amended to adopt all of the suggestions of the Examiner. Accordingly, the rejection of claims 1-4 and 10 under 35 USC 112, second paragraph, for being indefinite should now be withdrawn.

The rejection of claims 1-4 and 10 under 35 USC 112, first paragraph, as being non-enabling is respectfully traversed.

Claim 1 has been amended to add a detailed paragraph at the end thereof, consistent with the specification so as to overcome the lack of enablement rejection. No new matter has been added to the amended claim 1. Accordingly, the rejection of claim 1 under 35 USC 112, first paragraph, as being non-enabling should now be withdrawn.

Claims 3 and 4 depend from claim 1 and are therefore considered patentable under 35 USC 112, both first and second paragraphs, for the same reasons as given above.

The rejection of claims 1 and 4 under 35 USC 103(a) as being unpatentable over Ahn (EP 734655), Nagasawa (JP 62-36151) and Ahn (US 5,834,047) and further in view of Human KK (JP 8-176), Hens (EP 462093) and Martorana (WO-78157) is respectfully traversed.

Claim 1 as amended defines a given combination of ink compositions and processing conditions (temperature at relative humidity) inclusive of ethanol, shellac, carnauba wax, and an edible ink of yellow, red, blue and black. The edible ink composition from claim10 which has been cancelled, is now defined in claim 1, in which each specific composition for black ink, yellow ink, red ink and blue ink is specified. This method of preparing candy with a printed picture using the edible ink compositions as now claimed is not taught in any of the cited references taken individually or in combination. It does not become obvious to use the arrangement taught and claimed by applicant simply because a multiple number of patents separately teach individual features of the method and that in general edible ink compositions are known to exist. In essence, the Examiner is employing hindsight to determine what is obvious in direct contradiction to 35 UCS 103. For all of the above reasons, claim 1 is deemed patentable over the cited references.

As regards claim 3, the claimed invention does not permit the use n-butyl alcohol and/or iron oxide (Fe_2O_3) as is taught in Nippon Elanco KK, JP 1-178564. In the cited reference, n-butyl alcohol is used together with ethyl alcohol to prolong the inks drying time. If ethyl alcohol only were to be used as an edible ink solvent upon pad printing, the ink on the pad would dry before the pad is pressed onto a subject due to the quick drying property of ethyl alcohol. Namely, the quick dry rate of ethyl alcohol dries the ink before carrying an image from the pad to a subject so no one can obtain a desired image clearly. It is known to add n-butyl alcohol to conventional ink compositions for this purpose. In contrast, the subject invention does not use n-butyl alcohol because it is believed to cause irritation of mucous membranes, dermatitis, headache, dizziness and drowsiness and is prohibited as a food additive in many countries.

In addition, the cited reference teaches iron oxide which is generally used as a pigment for rubber, paints, paper and glass due to its high adhesiveness, high stability to heat, light, air and water. It has however been listed as a carcinogenic which can cause benign pneumoconiosis.

Since the subject invention requires the ink to be printed on candy, the potential toxicity of n-butyl alcohol and iron oxide would present serious health implications if included. Instead, the subject invention uses only ethyl alcohol as an ink solvent and aluminum lake as an ink pigment and otherwise controls processing conditions and the amount of the ink components to obtain a clear picture. It is not obvious from the cited references that n-butyl alcohol and iron oxide may be eliminated by the use of an additional amount of ethyl alcohol.

For all of the above reasons, claim 1 and claim 3 as amended are clearly patentable over the cited references, taken individually or in combination. Claims 2 and 10 have been cancelled and claim 4 is a dependent claims which depend from claim 3 and is therefore believed patentable for the same reasons as given above.

Reconsideration and allowance of claims 1, 3 and 4 is respectfully solicited.

Respectfully submitted,

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MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on March 18, 2004.

Date: March 18, 2004

CLAIMS

1. (Currently Amended) Method for preparing candy having a stereoscopic picture comprising:

pouring a measured amount of ~~the~~ a first mixture, prepared by dissolving and concentrating the raw materials for candy, into a mold, while ~~a~~ the temperature of the mixture is maintained at a temperature of about 130 to 150°C;

partially cooling the first mixture until its surface temperature is about 30 to 45°C ~~at about 30 to 45°C of its surface temperature~~;

printing desired pictures by using a pad printing method with edible ink compositions onto the first mixture wherein the printing process is carried out at a temperature of about 15 to 25°C and a relative humidity of 40 to 60%, and then drying the first mixture and the edible ink compositions on the first mixture ~~the mixture~~;

pouring a measured amount of ~~the~~ a second mixture prepared by dissolving and concentrating the raw materials for candy into the mold atop the printed first mixture, while ~~a~~ the temperature of the second mixture is maintained at about 120 to 135°C; and then

cooling the second ~~resulting~~ mixture,

wherein said edible ink compositions comprises ethanol, shellac, carnauba wax, and an edible ink of black, yellow, red, or blue in color with the black ink composition comprising 70 to 81% by volume of ethanol, 1 to 8% by volume of shellac, 0.1 to 3% by volume of carnauba wax, 0.1 to 3% by volume of yellow No. 4 aluminum lake, 0.1 to 4% by volume of red No. 40 aluminum lake, and 0.1 to 4% by volume of blue No. 1 aluminum lake; the yellow ink composition comprising 70 to 88% by volume of ethanol, 1 to 10% by volume of shellac, 0.1 to 5% by volume of carnauba wax, and 0.1 to 5% by volume of yellow No. 4 aluminum lake, the red ink composition comprising 70 to

85% by volume of ethanol, 1 to 10% by volume of shellac, 0.1 to 5% by volume of carnauba wax, and 0.1 to 3% by volume of red No. 40 aluminum lake; and the blue ink composition comprising 70 to 88% by volume of ethanol, 1 to 8% by volume of shellac, 0.1 to 3% by volume of carnauba wax, and 0.1 to 3% by volume of blue No. 1 aluminum lake.

2. (Cancelled)

3. (Currently Amended) The method for preparing a candy of ~~claim 2~~ claim 1, wherein said edible ink compositions further comprises a drying retardant selected from the group consisting of an ethanol, propylene glycol and shellac solution or a combination thereof.

4. (Currently Amended) The method for preparing a candy of claim ~~1~~ 3, which further comprises inserting a stick into the first mixture by a stick injection device after concentrating said mixture.

5. (Cancelled)

6. (Withdrawn)

7. (Withdrawn)

8. (Withdrawn)

9. (Withdrawn)

10. (Cancelled)